

## **Minutes**

### **Santee City Council Community Development Commission Santee Public Financing Authority**

**Council Chambers  
10601 Magnolia Avenue  
Santee, California**

**February 28, 2007**

This Regular Meeting of the Santee City Council, Community Development Commission and the Santee Public Financing Authority was called to order by Mayor/Chairperson/Chair Randy Voepel at 7:04 p.m.

Council Members present were: Mayor/Chairperson/Chair Randy Voepel, Vice Mayor/Vice Chairperson/Vice Chair John W. Minto and Council/Commission/Authority Members Brian W. Jones and Hal Ryan. Council/Commission/Authority Member Jack E. Dale entered the meeting at 7:56 p.m.

Staff present were: City Manager/Executive Director/Secretary Keith Till, Deputy City Manager/Director of Development Services Gary Halbert, City/Commission/Authority Attorney Shawn Hagerty, Assistant to the City Manager Kathy Valverde, Finance Director/Treasurer Tim McDermott, Director of Community Services John Coates, Interim Director of Fire and Life Safety Mike Rottenberg, Director of Human Resources Jodene Dunphy, Assistant to the Executive Director Pamela White, City Engineer Steve Cresswell, Santee Sheriff's Station Lieutenant Joe Rodi, City Clerk/Commission Secretary Linda Troyan, and Deputy City Clerk/Deputy Commission Secretary Patsy Bell.

(Note: Hereinafter the titles Mayor, Vice Mayor, Council Member, City Manager, City Attorney, City Clerk and Deputy City Clerk shall be used to indicate Mayor/Chairperson/Chair, Vice Mayor/Vice Chairperson/Vice Chair, Council/Commission/Authority Member, City Manager/Executive Director/ Secretary, City/Commission/Authority Attorney, City Clerk/Commission Secretary, Deputy City Clerk/ Deputy Commission Secretary.)

The **INVOCATION** was given by Pastor Justin McMurdie from the Santee Christian Church and the **PLEDGE OF ALLEGIANCE** was led by Dan Summers, Santee Code Compliance Officer.

#### **ADJOURN IN MEMORY: SERGEANT JOSEPH W. PERRY**

Council Member Jones presented the Certificate of Adjournment to parents, Kirsten Yuhl & Vernon Torres.

**Added Item**

**ADJOURNMENT IN MEMORY: BRIAN FITZGERALD**

Mayor Voepel presented the Certificate of Adjournment to wife Terry Fitzgerald, son Barry Fitzgerald, grandson Tyler Fitzgerald, and sister-in-law Silvia Kellison.

**PROCLAMATION: DESIGNATING ARBOR DAY 2007 & CITY OF SANTEE AS TREE CITY USA FOR 2006**

Mayor Voepel and City Manager Till presented the Proclamation to Lynnette Short, Regional Field Specialist of CA Dept of Forestry & Fire Protection. Lynette presented the City with a TreeCity plaque and a five-year award.

**PROCLAMATION: PROCLAMATION AND PRESENTATION TO STAFF FOR OUTSTANDING GRAFFITI ABATEMENT EFFORTS**

Mayor Voepel presented the Proclamation to Community Services Director Coates. Certificates of Commendation were presented to the following people for their outstanding work in quickly eradicating graffiti, as well as pursuing the people who created the graffiti.

- ☆ Dennis Mettler, Lead Maintenance Worker
- ☆ Mark Ethridge, Equipment Operator
- ☆ Victor Michel, Equipment Operator
- ☆ Martin Ortega, Equipment Operator (not in attendance)
- ☆ Michael Poppe, Equipment Operator
- ☆ Todd Vosburgh, Equipment Operator
- ☆ Tony Hurst, Landscape Maintenance Worker
- ☆ Frank Rivera, Landscape Maintenance Worker
- ☆ Annette Saul, Park & Landscape Maintenance Coordinator
- ☆ Jenny Russo, Graduate Student Intern (not in attendance)
- ☆ Dan Summers, Senior Code Compliance Officer
- ☆ Santee Sheriff's Department – accepted by Captain Greg Reynolds

**ITEMS TO BE ADDED, DELETED OR RE-ORDERED ON AGENDA:**

Mayor Voepel requested Item 5(B) be reordered to follow Closed Session it needed to be discussed in Closed Session prior to be discussed in Open Session.

**1. CONSENT CALENDAR:**

- (A) Approval of Reading by Title Only and Waiver of Reading in Full of Ordinances on Agenda.**

- (B) **Approval of Meeting Minutes:**  
Santee City Council 2-14-07 Regular Meeting  
Community Development Commission 2-14-07 Regular Meeting  
Santee Public Financing Authority 2-14-07 Regular Meeting
- (C) **Approval of Payment of Demands as Presented.**
- (D) **Award Contracts for EMS Medical Supplies through June 30, 2008 to Progressive Medical International (PMI) for \$67,400.00 for Categories 1, 2, 3, 4, 6 and 7; Bound Tree Medical LLC for \$250.00 for Category 5; and Tri-Anim Health Services Incorporated for \$7,700.00 for Categories 8 and 9; and authorize City Manager to approve up to three (3) additional twelve (12) month contract extensions and/or a one time option to extend for 90 days.**
- (E) **Approving Professional Services Agreements for Landscape and Horticultural Management Services.**
- (F) **Authorization to Increase Staff's Authority to Approve Construction Contract Change Orders for Archer Western in an Amount Equal to Reimbursements Received from Outside Agencies for the Forester Creek Improvement Project, CIP 2002-21. (Reso 12-2007)**
- (G) **Authorization for Staff to Approve Additional Construction Management Services from PBS&J in an Amount Equal to that Reimbursed by Outside Agencies for the Forester Creek Improvement Project, CIP 2002-21. (Reso 13-2007)**
- (H) **Approval of the Reduction of Retention for the Citywide Pavement Repair and Rehabilitation Project, CIP 2006-05.**
- (I) **Approval of the Expenditure of \$101,532.25 to pay for January 2007 Legal Services and Related Costs.**

**ACTION:** On motion of Council Member Jones, seconded by Council Member Ryan, the Agenda and Consent Calendar were approved as amended with all voting aye, except Council Member Dale who was absent.

## 2. PUBLIC HEARINGS:

### (A) Approving the Engineer's Report, the Fiscal Year 2006-07 Annexation and Setting of Assessment Rates for the Riverwalk Subdivision (TM04-01) to the Town Center Landscape Maintenance District. (Resos: 14-2007 & 15-2007)

The Public Hearing opened at 7:27 p.m. Finance Director McDermott presented the staff report.

**ACTION:** On motion of Council Member Jones, seconded by Vice Mayor Minto, the Public Testimony portion of the Public Hearing was closed with all voting aye, except Council Member Dale who was absent.

City Clerk Troyan reported one ballot was mailed to the single property owner of record and that ballot was completed and returned in compliance with the procedures governing the ballot proceeding. The ballot represents 100% of the proportionate financial obligation, and it indicated support for the assessment.

**ACTION:** On motion of Vice Mayor Minto, seconded by Vice Mayor Minto, the Public Hearing was closed at 7:30 p.m. and the two Resolutions approving the Engineer's Report and declaring the assessment ballot results confirming the assessment diagram and levy were adopted with all voting aye, except Council Member Dale who was absent.

### (B) Public Hearing for a Conditional Use Permit (P06-03) to Construct a Commercial Retail Building Including a Drive Through Fast Food Restaurant and Outdoor RV Storage at 10050-55 Mission Gorge Road in the GC (General Commercial) Zone. (Applicant: Tamberly Associates, LLC). (Reso 16-2007)

Council Member Ryan announced an abstention on this item due to a conflict of interest and left the Chamber.

The Public Hearing opened at 7:30 p.m. Associate Planner Rick Brady presented the staff report..

#### **Public Speakers:**

1. Steve Kowalewsky asked questions concerning drainage and requested permission to build an 8' fence so that the fence height in his yard would be consistent.
2. Barry Tupper expressed concerns with drainage near his property.
3. Michael Grant, representing applicant Tamberly Associates, LLC, addressed Council's questions and residents' concerns.

In response to Council Member Jones's question regarding the appearance of the canopy, staff indicated the design had not yet been finalized; the applicant was still working with staff. Deputy City Manager/Director of Development Services Halbert assured Council that the design will be of high quality.

**MOTION:** Mayor Voepel moved to Close the Public Hearing at 7:55 p.m.; approve the Negative Declaration as complete and in compliance with the provision of the California Environmental Quality Act; and amend the Resolution approving Conditional Use Permit P06-03 including a Minor Variance allowing Mr. Kowalewsky to build an 8' fence to be consistent with other fence lines on his property.

**AMENDMENT:** Council Member Jones requested the motion also include a condition that parking regulations be established for the area where the motorhomes will be parked.

**ACTION:** Mayor Voepel accepted the amendment. Council Member Jones seconded the amended motion closing the Public Hearing at 7:55 p.m. approving the Negative Declaration as complete and in compliance with the provision of the California Environmental Quality Act; and adopting the amended Resolution approving Conditional Use Permit P06-03. The motion carried with all voting aye, except Council Member Ryan who abstained and Council Member Dale who was absent.

It was noted that Council Member Dale had previously registered an abstention with the City Attorney due to a conflict of interest on this project.

Council Member Dale entered the meeting at 7:56 p.m.

**(C) Public Hearing to Assess and Prioritize Community Development and Housing Needs as Described in the Consolidated Plan and to Solicit Proposals for Program Year 2007 Community Development Block Grant (CDBG) Funding and Home Funds.**

The Public Hearing was opened at 7:56 p.m. Finance Director McDermott presented the staff report.

**Public Speakers:** Speaking in support of each of their organizations and answering Council's questions were:

1. Lisa Hopewell, Santee Food Bank
2. Dr. James Johnson, Meals on Wheels
3. Sue Christopher, Crisis House
4. Ashley Fargo, Cameron Family YMCA
5. Warren Savage, Chamber of Commerce & CASA

**ACTION:** On motion of Vice Mayor Minto, seconded by Council Member Jones, at 8:18 p.m. the Public Hearing was continued to March 14, 2007 and staff directed to bring back a report relating to the CDBG requests with all voting aye.

**(D) Public Hearing to Amend Section 16.20.020 of the Santee Municipal Code (Subdivision Ordinance) Regarding Residential Condominium Conversions.**

The Public Hearing was opened at 8:19 p.m. Council Members stated they had read the staff report and had no questions of staff; nor did they require a verbal staff report.

**ACTION:** On motion of Mayor Voepel, seconded by Council Member Ryan, the Public Hearing was closed at 8:20 p.m. and the Ordinance amending Santee Municipal Code Section 16.20.020 was introduced for First Reading with all voting aye, except Council Members Dale and Jones who voted no.

**3. ORDINANCES (First Reading):**  
See Item 2D

**4. CITY COUNCIL REPORTS:**

**(A) Appointment of Second Alternate Representative on San Diego Association of Governments (SANDAG). (Voepel & Dale)**

Mayor Voepel, who is currently the 2<sup>nd</sup> alternate on the San Diego Association of Governments (SANDAG) committee, indicated that Vice Mayor Minto has expressed an interest to serve on this committee. Mayor Voepel recommended Vice Mayor Minto be appointed as 2<sup>nd</sup> Alternate.

**ACTION:** On motion of Mayor Voepel, seconded by Council Member Dale, Vice Mayor Minto was appointed 2<sup>nd</sup> Alternate to SANDAG with all voting aye.

**5. CONTINUED BUSINESS:**

**(A) Synthetic Turf Fields – Santana High School Football Stadium.**

Director of Community Services Coates presented the staff report and answered Council's questions.

**Public Speakers:**

1. Wade Vickery, Santana High School Athletic Director, spoke in support and answered Council's questions.
2. Bob Kiesling, Grossmont Union High School District Executive Director of Facilities Management, spoke in support and answered Council's questions.
3. Mario Cabading, representing Santee Youth Football, was called up to answer Council's questions.
4. Rob McNelis expressed concerns about the City providing the funding without having pre-specified community use times.

During further discussion, staff assured Council that the City would not provide any funding until a new Joint Use Agreement is agreed upon and that the agreement would be provided to Council prior to funds being issued.

**ACTION:** On motion of Council Member Dale, seconded by Vice Mayor Minto, \$200,000 was allocated toward the Santana synthetic turf field project from Park in Lieu fees contingent upon successfully amending or redrafting the Joint Use Agreement with the Grossmont Union High School District with all voting aye.

**(B) Item 5(B) was reordered to be heard after Closed Session.**

**6. NEW BUSINESS:** None.

**7. COMMUNICATION FROM THE PUBLIC:**

**(A) WILLIAM ACOSTA** asked for assistance or guidance from the City regarding his claim that Waste Management's vehicles had damaged his private road and are claiming no responsibility for the repair.

**8. CITY MANAGER REPORTS:**

**(A) 2006 Employee Service Awards.**

City Manager Till reported on the Employee Service Awards Ceremony that took place earlier in the month. He acknowledged and thanked City employees for their dedication and service to the City and community, especially the following employees:

**5 Years**

Judy Brown, *Finance*

Gerardo Cerpa, *Development Services*

Barbara Crosthwaite, *Community Services*

Jason Custeau, *Fire Department*

Justin Matsushita, *Fire Department*

Tim McDermott, *Finance*

Linda Rowe, *Fire Administration*

Carl Schmitz, *Development Services*

Kathy Valverde, *City Manager's Office*

**10 Years**

Janet Peterson, *Development Services*

Suzanne Stephens, *Community Services*

**15 Years**

Christine Edwards, *Community Services*

Mark Ethridge, *Community Services*

Richard Smith, *Fire Department*

**20 Years**

Patsy Bell, *City Clerk's Office*

Arliss Cates, *City Manager's Office*

Cherie Meek, *Community Services*

Martin Ortega, *Community Services*

Sharon Williams, *Fire Administration*

**9. COMMUNITY DEVELOPMENT COMMISSION:**

(Note: Minutes appear as Item 1B)

**10. SANTEE PUBLIC FINANCING AUTHORITY:**

(Note: Minutes appear as Item 1B)

**11. CITY ATTORNEY REPORTS: None**

Council Members recessed at 9:04 p.m. and convened in Closed Session at 9:10 p.m. with all Members present.

**12. CLOSED SESSION:**

**(A) CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION**

(Gov. Code section 54956.9)

MHC Financing Limited Partnership Two v. City of Santee (Case No. 01 CV 2160)

MHC Financing Limited Partnership Two v. City of Santee (Case No. 03 CV 2225)

MHC Financing Limited Partnership Two v. City of Santee (Case No. GIC 777094)

City of Santee v. MHC Financing Limited Partnership Two (Case No. GIE 020524)

**(B) CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION**

(Gov. Code section 54956.9(b))

Number of Potential Cases: 1



Council Members reconvened in Open Session at 9:25 p.m. with all Members present.

Mayor Voepel reported that both items were discussed and direction given to staff.

**(Reordered to be heard after Closed Session)**

**5. CONTINUED BUSINESS:**

- (B) Resolution in Opposition to a Major Power Plant in the Southeast Corner of Miramar MCAS, Appropriating Funding and Designation of a Strategy Team to Support the City's Efforts. (Reso 17-2007)**

City Manager Till presented the staff report and noted information was still being gathered.

**Public Speakers:**

1. Rob McNelis, East San Diego County Association of Realtors, expressed support for the City to oppose the proposed power plant.
2. Paul O'Neal, NRG Energy Inc., apologized to Council Members and the City staff for not having been notified directly of the prospective project and having to learn of the project through a newspaper article. He expressed a desire to work with the City in the future.

**ACTION:** After discussion, on motion of Council Member Ryan, seconded by Council Member Jones, the Resolution authorizing the City Manager and the City Attorney to put in place the legal team was approved with all voting aye.

**13. ADJOURNMENT:** There being no further business, the meeting was adjourned at 9:38 p.m. in Memory of Sergeant Joseph Perry and Brian Fitzgerald.

Date Approved: March 14, 2007

/s/Patsy Bell  
Patsy Bell, Deputy Commission Secretary  
and for Authority Secretary Keith Till